

April 11, 2007

Letter of Appeal
Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
9300 East Hampton Drive
Capitol Heights, MD 20743

The Neptune Township School District hereby appeals the denial of the funding requests on Forms 471 #527742 and 459500 (listed below) for Funding Years 2005 and 2006, and requests that the funding for those FRNs be restored.

The person who can most readily discuss this with you is the district's E-Rate consultant:

Name: Dan Riordan
Address: 53 Elm Place
Red Bank, NJ 07701
Phone: 732-530-5435
Fax: 732-530-0606
Email: dan@on-tech.com

Funding information:

Funding Year: 2005

FRN: 1263176
Form 471 #: 459500

Funding Year: 2006

FRNs: 1455320
1455333
1455356
1455366
1455374
1455381

Form 471 #: 527742

BEN: 123025

Entity Name: Neptune Township School District

The above FRNs were denied with the reason given: "On 4/20/06 your application was dismissed pursuant to the Red Light Rule which implements requirements of the Debt Collection Improvement Act."

On April 20, 2006, I received a Notice of Withholding Action, stating: "If no payment is made within 30 days of the date of this letter, any pending applications and requests for benefits may be dismissed."

USAC had earlier sent out a COMAD letters and Demand Payment Letters to the district tech coordinator at the address which had been the district's board office in 2001, but which has not been the board office for years.

I began in April to request copies the Demand Payment Letters and to ask what payment terms were available, since the debt was over \$100,000, a huge amount to pay with the end of the fiscal year approaching, . Repeated phone attempts were fruitless, starting with the main Client Service Bureau, which directed me to Billings, Collections and Disbursements, where repeated voicemails were not returned. So I began attempts by email, fax and "Submit a Question" on May 19, 2006. The response to those contacts was the same: call the Billings, Collections and Disbursements office. After further voicemails were not returned, on May 31, I contacted the ombudsman's office. With the help of the ombudsman's office, on June 14 I was able to get the Demand Payment Letters I had been requesting for over a month, and on June 29 I received the letter I had been requesting for two months, explaining the process for creating a payment plan. That letter stated that the plan needed to be set up within 30 days.

When I explained the requirements to the district business office, they opted to make a single payment, which was sent on July 18, 2006.

These FRNs should not have been cancelled on April 20, 2006, the same day we were notified that they would not be cancelled for 30 days. Since the earlier correspondence was sent to the wrong address, this was the first warning that anything was wrong. Nor should they have been cancelled later, since it was not the fault of the applicant that it took repeated phone calls, faxes, and emails over the course of two months to get an answer to the question of how to set up a payment plan. The applicant complied with the 30-day deadline set in the letter of June 27, and has paid off the debt.

The district also requests a waiver of the deadline to file this appeal. The district sent an appeal to the SLD in August 2006, but it was not received by the Appeals office. When I discovered the problem in January 2007, I faxed in a copy of the appeal. The appeal was denied in January, but the denial was sent to a former address for the Neptune Board Office, rather than to me at the address on the appeal. As soon as I learned that a decision had been sent, I requested a copy of the decision be faxed to me. I received the decision on March 20, 2007.

The district's technology director, doing his best to navigate the confusing E-Rate process, made a clerical error on the district's 470 in 2001, for the 2002-2003 funding

year. For that clerical error, the district was forced, five years later, to pay \$117,699.16. That is a heavy penalty for a small error, but the district has paid it. However, it does not serve the public interest to have the district lose an additional \$292,249.33 in funding denied because of USAC's unresponsiveness.

The Neptune Township School District asks that funding be restored for FRNs 1263176, 1455320, 1455333, 1455356, 1455366, 1455374 and 1455381.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Daniel E. Riordan", is positioned above the printed name.

Daniel E. Riordan
President